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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on January 20, 2016

Date of Meeting: September 9, 2015

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:33 p.m., Wednesday, September 9, 2015, all members having been notified of the time and place thereof.

### **1. ROLL CALL**

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero  
Paul Cunningham  
Karin Uhlich  
Shirley C. Scott  
Richard G. Fimbres  
Steve Kozachik  
Jonathan Rothschild

Council Member, Ward 1  
Council Member Ward 2  
Vice Mayor, Council Member Ward 3  
Council Member Ward 4  
Council Member Ward 5  
Council Member Ward 6  
Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega  
Michael Rankin  
Roger W. Randolph

City Manager  
City Attorney  
City Clerk

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Debra Counsellor, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild presented Employee Appreciation Awards to Tucson Fire Department Public Education Team members, Clint Gerber, Chris Gervig, Randall Tinnin, Amaris Vasquez and Cecelia Mendoza.
- b. Mayor Rothschild proclaimed August 16<sup>th</sup> to 22<sup>nd</sup> to be "Employer Support of the Guard and Reserve Week".

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager's communication number 304, dated September 9, 2015, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Cunningham, Scott, and Fimbres. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Rothschild announced City Manager's communication number 305, dated September 9, 2015, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events and asked for that report.

Current event report was given by Michael J. Ortega, City Manager. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Rothschild announced City Manager's communication number 306, dated September 9, 2015, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Application(s)

New License(s)

1. Miss Saigon Restaurant, Ward 6  
250 S. Craycroft Rd.  
Applicant: Hien Trong Ma  
Series 12, City 63-15  
Action must be taken by: September 6, 2015

Tucson Police Department and Revenue Division-Investigations have indicated the applicant is in compliance with city requirements.

Planning & Development Services Department has indicated the applicant is not in compliance with city requirements.

2. Blue Willow Restaurant, Ward 3  
2616 N. Campbell Ave.  
Applicant: Rebecca Ramey  
Series 12, City 65-15  
Action must be taken by: September 13 2015

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument in Support Filed

3. Wal-Mart #4490 Fuel, Ward 5  
2533 E. Commerce Center Pl.  
Applicant: Clare Hollie Abel  
Series 10, City 66-15  
Action must be taken by: September 12, 2015

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

NOTE: State law provides that for a new license application "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

#### Person Transfer(s)

4. Diamond R Liquor Outlet, Ward 3  
402 E. Prince Rd.  
Applicant: Hiam Ibrahim Innabi  
Series 9, City 64-15  
Action must be taken by: September 6, 2015

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer Mayor and Council may consider the applicant's capability qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer(s)

5. Good Oak Bar, Ward 6  
316 E. Congress St.  
Applicant: Danny Roy Thomas  
Series 6, City 62-15  
Action must be taken by: August 28, 2015

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer Mayor and Council may consider both the applicant's capability qualifications reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

Location Transfer(s)

6. Circle K Store #2948, Ward 6  
4301 E. Grant Rd.  
Applicant: Kim Kenneth Kwiatkowski  
Series 9, City 67-15  
Action must be taken by: September 11, 2015

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a location transfer Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. St. Cyril of Alexandria Roman Catholic Parish-Tucson, Ward 6  
4725 E. Pima St.  
Applicant: Ron Oakham  
City T70-15  
Date of Event: October 15, 2015 - October 18, 2015  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

2. Kidsrock Inc., Ward 6  
422 N. Martin Ave.  
Applicant: Scott James Cummings  
City T71-15  
Date of Event: September 19, 2015  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

3. MY Music Foundation, Ward 1  
140 N. Main Ave.  
Applicant: Andrea Marie Gallegos  
City T72-15  
Date of Event: September 11, 2015  
(Scholarship Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

4. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Matthew Lee Slominski  
City T73-15  
Date of Event: October 11, 2015  
(Celebrating the close of Arizona Biennial 2015 Exhibit)

Staff has indicated the applicant is in compliance with city requirements.

5. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Matthew Lee Slominski  
City T74-15  
Date of Event: October 23, 2015  
(October Exhibit Opening)

Staff has indicated the applicant is in compliance with city requirements.

6. Tucson Museum of Art, Ward 1  
140 N. Main Ave.  
Applicant: Matthew Lee Slominski  
City T75-15  
Date of Event: November 15, 2015  
(CRUSH Wine Festival)

Staff has indicated the applicant is in compliance with city requirements.

7. YWCA of Southern Arizona, Ward 6  
160 S. Scott Ave.  
Applicant: Caitlin R. Dixon  
City T76-15  
Date of Event: October 16, 2015  
(Tucson Fashion Week)

Staff has indicated the applicant is in compliance with city requirements.

8. El Rio Health Center Foundation, Ward 6  
160 S. Scott Ave.  
Applicant: Brenda Goldsmith  
City T77-15  
Date of Event: September 12, 2015  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

9. Poverello House of Tucson, Ward 1  
1300 N. Greasewood Rd.  
Applicant: Martha J. Wall  
City T78-15  
Date of Event: October 4, 2015  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

10. Sr. Jose Women's Center, Ward 2  
8800 E. 22nd St.  
Applicant: Jean R. Fedigan  
City T79-15  
Date of Event: September 26, 2015  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

11. University of Arizona Athletic, Ward 6  
1 National Championship Dr.  
Applicant: Lacey Pearl John  
City T80-15  
Date of Event: September 26, 2015  
(Arizona Athletics Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

This item was considered separately.

12. University of Arizona Athletic, Ward 6  
1 National Championship Dr.  
Applicant: Lacey Pearl John  
City T81-15  
Date of Event: October 10, 2015  
(Arizona Athletics Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

This item was considered separately.

13. University of Arizona Athletic, Ward 6  
1 National Championship Dr.  
Applicant: Lacey Pearl John  
City T82-15  
Date of Event: October 24, 2015  
(Arizona Athletics Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

This item was considered separately.

14. University of Arizona Athletic, Ward 6  
1 National Championship Dr.  
Applicant: Lacey Pearl John  
City T83-15  
Date of Event: November 14, 2015  
(Arizona Athletics Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

This item was considered separately

15. Tucson Screammers, Ward 3  
1102 W. Grant Rd.  
Applicant: Bobby G. Sutton  
City T84-15  
Date of Event: September 11, 2015  
(Concert)

Staff has indicated the applicant is in compliance with city requirements.

16. Tucson Firefighter Benevolent Association, Inc., Ward 6  
900 S. Randolph Way  
Applicant: Roger Sloan Tamietti  
City T85-15  
Date of Event: October 17, 2015  
(Chili Cook-Off Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

17. Local First Arizona Foundation, Ward 6  
400 N. Toole Ave.  
Applicant: Rebecca R. Pringle  
City T86-15  
Date of Event: September 12, 2015  
(Art & Wine Festival)

Staff has indicated the applicant is in compliance with city requirements.

18. Tucson Celtic Festival Association, Ward 3  
4502 N. 1st Ave.  
Applicant: Erin Renee Haugen  
City T87-15  
Date of Event: November 6, 2015 - November 8, 2015  
(Celtic Festival Cultural Event/Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

19. Garden Youth Development Project, Inc., Ward 6  
220 S. 5th Ave.  
Applicant: Tanishia D. Hamilton  
City T88-15  
Date of Event: October 10, 2015  
(Music Festival)

Staff has indicated the applicant is in compliance with city requirements.

20. Tucson Breakfast Lions Club, Ward 5  
4801 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T89-15  
Date of Event: October 9, 2015 - October 10, 2015  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.



21. Fluxx Productions LLC, Ward 6  
414 E. 9th St.  
Applicant: Mary Bafaro  
City T90-15  
Date of Event: September 12, 2015  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

22. Fluxx Productions LLC, Ward 6  
414 E. 9th St.  
Applicant: Mary Bafaro  
City T91-15  
Date of Event: September 26, 2015  
(Drag Show Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

23. Fluxx Productions LLC, Ward 6  
414 E. 9th St.  
Applicant: Mary Bafaro  
City T92-15  
Date of Event: October 17, 2015  
(Pride Dance Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

24. YWCA Southern Arizona, Ward 1  
525 N. Bonita Ave.  
Applicant: Eula Liane Hernandez  
City T93-15  
Date of Event: September 25, 2015  
(Cardboard Ball Fundraising Event)

Staff has indicated the applicant is in compliance with city requirements.

25. YWCA of Southern Arizona, Ward 1  
525 N. Bonita Ave.  
Applicant: Eula Liane Hernandez  
City T94-15  
Date of Event: October 4, 2015  
(POP! A Fashion Forward FUNdraiser)

Staff has indicated the applicant is in compliance with city requirements.

26. Arizona Theatre Company, Ward 6  
330 S. Scott Ave.  
Applicant: Leslie Freed Novick  
City T97-15  
Date of Event: October 3, 2015  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

27. Our Lady Queen of All Saints, Ward 5  
2915 E. 36th St.  
Applicant: Darlene M. Dooley  
City T101-15  
Date of Event: October 3, 2015 - October 4, 2015  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

28. Southern Arizona Blues Heritage Foundation, Inc., Ward 5  
4475 S. Country Club Rd.  
Applicant: Christopher Jay Wilt  
City T102-15  
Date of Event: September 10, 2015 - September 13, 2015  
(Gem Show)

Staff has indicated the applicant is in compliance with city requirements.

- d. Agent Change/Acquisition of Control

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b2, 5b4 through 5b6, 5c1 through 5c10 and 5c15 through 5c28, to the Arizona State Liquor Board with a recommendation for approval.

## **5. LIQUOR LICENSE APPLICATIONS**

11. University of Arizona Athletic, Ward 6  
1 National Championship Dr.  
Applicant: Lacey Pearl John  
City T80-15  
Date of Event: September 26, 2015  
(Arizona Athletics Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

12. University of Arizona Athletic, Ward 6  
1 National Championship Dr.  
Applicant: Lacey Pearl John  
City T81-15  
Date of Event: October 10, 2015  
(Arizona Athletics Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

13. University of Arizona Athletic, Ward 6  
1 National Championship Dr.  
Applicant: Lacey Pearl John  
City T82-15  
Date of Event: October 24, 2015  
(Arizona Athletics Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

14. University of Arizona Athletic, Ward 6  
1 National Championship Dr.  
Applicant: Lacey Pearl John  
City T83-15  
Date of Event: November 14, 2015  
(Arizona Athletics Tailgate)

Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Cunningham, duly seconded, and passed by a voice vote of 6 to 0 (Council Member Kozachik recused due to a conflict of interest), to forward Items 5c11 through 5c14 to the State Liquor Board for approval.

## **5. LIQUOR LICENSE APPLICATIONS**

### **b. Liquor License Application(s)**

#### **New License(s)**

3. Wal-Mart #4490 Fuel, Ward 5  
2533 E. Commerce Center Pl.  
Applicant: Clare Hollie Abel  
Series 10, City 66-15  
Action must be taken by: September 12, 2015

Staff has indicated the applicant is in compliance with city requirements.

Council Member Fimbres referenced letters he had received regarding opposition of the request. He asked for the applicant and citizens either supporting or opposing the request to come forward and speak to their concerns.

Clare Hollie Abel, Applicant, spoke on behalf of Walmart stores and their policies of not allowing alcohol to be purchased without checking identification. She said they had filed for a beer and wine license for the fuel center at this location.

Mike Varney, Tucson Metro Chamber of Commerce President and CEO, spoke in support of the application and license.

Frank Morales, Sunnyside School District representing Superintendent Steve Holmes, spoke in opposition of the liquor license application stating that the location was near several schools in the District.

Yolanda Herrera, Sunnyside Neighborhood Association Presidential Partnership (SNAPP), spoke in opposition of the liquor license reiterating the concern of children being able to obtain liquor and adding more fuel to the fire. She urged the Mayor and Council to deny the request.

Council Member Fimbres said that he received several calls and visits regarding the issue and the fact that there were eleven liquor licenses within a one mile radius of Walmart, as well as, receiving letters from the Sunnyside Unified School District and the Sunnyside Neighborhood Association Presidential Partnership. He said for those reasons he was going to recommend denial of the request.

Michael Rankin, City Attorney, stated before voting on the item, he asked that Council Member Cunningham recuse himself due to his employment with one of the entities taking opposition against the issuance of the liquor license.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Cunningham recused due to a conflict of interest), to forward Item 5b3 to the Arizona State Liquor Board with a recommendation for denial.

## **6. CALL TO THE AUDIENCE**

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations. Call to the Audience was scheduled to last thirty minutes.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Veronica Moreno	Larry Paxton	Todd Shaner
Thomas Johnson	Nora Morales	Phoebe Robinson
Margaret Downey	Jesus Valenzuela Lizurraga	Donald Ijams
Mark Brown	Alice Novoa	Dan Linhart

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

**RECESS: 6:37 PM**  
**RECONVENE: 6:45 PM**

Mayor Rothschild announced the meeting was back in session. All members were present as they were at the start of the meeting.

## **7. CONSENT AGENDA – ITEMS A THROUGH V**

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

### **a. APPROVAL OF MINUTES**

1. Report from City Manager SEP09-15-307 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of January 6, 2015

### **b. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM**

1. Report from City Manager SEP09-15-308 CITY WIDE
2. Resolution No. 22445 relating to Victims' Rights; approving and authorizing execution of an Award Agreement with the Arizona Attorney General's Office for the FY 2016 Victims' Rights Program; and declaring an emergency.

### **c. MEMORIAL: URGING THE ARIZONA LEGISLATURE AND GOVERNOR DUCEY TO REVISIT THE FISCAL YEAR 2016 BUDGET AND RESTORE EDUCATION FUNDING**

1. Report from City Manager SEP09-15-309 CITY WIDE

2. A Memorial relating to Education: urging the Arizona Legislature and Governor Ducey to revisit the Fiscal Year 2016 budget and restore education funding.
- d. MEMORIAL: DECLARING SUPPORT FOR CONGRESSIONAL EFFORTS TO PREVENT STRAW PURCHASES OF FIREARMS; AND TO ENCOURAGE GUN DEALERS TO ADOPT AND TO ABIDE BY THE GUN DEALER BRADY CODE OF CONDUCT
1. Report from City Manager SEP09-15-310 CITY WIDE
  2. A Memorial relating to Gun Violence; declaring support for Congressional efforts to prevent straw purchases of firearms; and to encourage gun dealers to adopt and to abide by the Gun Dealer Brady Code of Conduct.
- (This item was considered separately at the request of Council Member Kozachik.)
- e. MAYOR AND COUNCIL: AMENDING THE 2015 MAYOR AND COUNCIL MEETING SCHEDULE
1. Report from City Manager SEP09-15-326 CITY WIDE
  2. Ordinance No. 11300 relating to the Mayor and Council meeting schedule; rescheduling the Regular Meeting date of Tuesday, September 22, 2015 to Thursday, September 24, 2015; and rescheduling the regular meeting date of Wednesday, October 7, 2015 to Thursday, October 8, 2015; and declaring an emergency.
- f. ECONOMIC DEVELOPMENT: APPROVAL OF SITE SPECIFIC SALES TAX AGREEMENT WITH TUCSON URBAN, LLC, FOR THE RIALTO BLOCK PROJECT
1. Report from City Manager SEP09-15-317 WARD 6
  2. Resolution No. 22458 relating to Development and Real Property; authorizing and approving the Retail Tax Incentive Development Agreement between the City of Tucson (City) and Tucson Urban, LLC for the Rialto Block Project (Project).
- (This item was considered separately.)
- g. INTERGOVERNMENTAL AGREEMENT: WITH THE CITY OF SOUTH TUCSON TO LEASE ENVIRONMENTAL SERVICES EQUIPMENT FOR EMERGENCY SOLID WASTE SERVICES
1. Report from City Manager SEP09-15-336 CITY WIDE

2. Resolution No. 22460 relating to Environmental Services; authorizing and approving the Emergency Solid Waste Services Intergovernmental Agreement (IGA) between the City of South Tucson (South Tucson) and the City of Tucson (City); declaring an emergency; and setting an effective date.
- h. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COMMUNITY COLLEGE FOR COLLEGE CREDITS TO MEMBERS COMPLETING THE PUBLIC SAFETY TRAINING ACADEMY
1. Report from City Manager SEP09-15-334 CITY WIDE AND OUTSIDE CITY
  2. Resolution No. 22457 relating to Fire and Police; authorizing and approving the Pima Community College (PCC) Intergovernmental Agreement (IGA) between the Tucson Fire Department (TFD) and Tucson Police Department (TPD) providing college credits to members for their successful completion of the Public Safety Training Academy (Academy); and declaring an emergency.
- i. AGREEMENT: AMENDED AND RESTATED OPERATION AND MAINTENANCE AGREEMENTS FOR THREE BOYS AND GIRLS CLUB CLUBHOUSES
1. Report from City Manager SEP09-15-311 (WARDS 1 AND 5)
  2. Resolution No. 22448 relating to Parks and Recreation; approving and authorizing execution of Amended and Restated Operation and Maintenance Agreements for three Boys and Girls Club Clubhouses between the City of Tucson (City) and Boys Clubs of Tucson, Inc, dba Boys and Girls Clubs of Tucson (Boys Clubs); and declaring an emergency.
- j. INTERGOVERNMENTAL AGREEMENT: WITH THE PHOENIX POLICE DEPARTMENT SUPPORTING THE INTERNET CRIMES AGAINST CHILDREN (ICAC) TASK FORCE
1. Report from City Manager SEP09-15-312 CITY WIDE
  2. Resolution No. 22449 relating to Police; authorizing and approving an Intergovernmental Agreement (IGA) between the Phoenix Police Department (PPD) and the Tucson Police Department (TPD) supporting the Arizona Internet Crimes Against Children (ICAC) Task Force; and declaring an emergency.

- k. FINAL PLAT: (S14-042) THE VISTAS AT RINCON KNOLLS, LOTS 1 THROUGH 160
  - 1. Report from City Manager SEP09-15-313 WARD 4
  - 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- l. FINAL PLAT: (S15-019) THE SCHOOLYARD, LOTS 1 THROUGH 56
  - 1. Report from City Manager SEP09-15-335 WARD 2
  - 2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- m. REAL PROPERTY: VACATION AND EXCHANGE OF RIGHT OF WAY WITH THE ARIZONA BOARD OF REGENTS FOR THE DOWNTOWN LINKS PROJECT
  - 1. Report from City Manager SEP09-15-314 WARD 1
  - 2. Ordinance No. 11299 relating to Real Property and Transportation; authorizing the vacation and exchange of Right of Way (ROW) with the Arizona Board of Regents (Regents) for the Downtown Links Project; and declaring an emergency.
- n. REAL PROPERTY: VACATION AND EXCHANGE OF SURPLUS RIGHT OF WAY LOCATED AT VALENCIA ROAD AND KOLB ROAD
  - 1. Report from City Manager SEP09-15-315 WARD 4
  - 2. Ordinance No. 11302 relating to Transportation and Real Property; authorizing and approving the proposed vacation of surplus City of Tucson (City) Right of Way (ROW) located at the intersection of Valencia Road and Kolb Road; authorizing and approving the exchange of ROW at the intersection of Valencia Road and Kolb Road between the City and Title Security of Arizona, LLC (Title Security); and declaring an emergency.
- o. LEASE AGREEMENT: APPROVAL OF LEASE WITH SPORK PRESS, LLC AT 2229 E. BROADWAY BOULEVARD
  - 1. Report from City Manager SEP09-15-316 WARD 6



2. Ordinance No. 11303 relating to Real Property; approving and authorizing the Lease Agreement with Spork Press, LLC for short term occupancy of a portion of 2229 East Broadway Boulevard; and declaring an emergency.
- p. TELECOMMUNICATIONS: AMENDMENT TO NON-EXCLUSIVE RIGHT-OF-WAY LICENSE TO VALLEY TELEPHONE COOPERATIVE, INC., FOR LONG DISTANCE TELECOMMUNICATIONS SERVICES
1. Report from City Manager SEP09-15-320 CITY WIDE
  2. Ordinance No. 11304 relating to Interstate Telecommunications, authorizing the extension of a non-exclusive right-of-way license for Valley Telephone Cooperative, Inc., an Arizona corporation, to construct, maintain, and operate in designated portions of public rights-of-way in the City of Tucson, certain long distance telecommunications facilities; and declaring an emergency.
- q. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR REGIONAL TRANSIT SERVICE IMPROVEMENTS
1. Report from City Manager SEP09-15-321 CITY WIDE AND OUTSIDE CITY
  2. Resolution No. 22450 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for regional Transit Service Improvements; and declaring an emergency.
- r. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR PROVISION OF FIXED ROUTE TRANSIT SERVICES (SUN TRAN) FOR DESIGNATED AREAS OF PIMA COUNTY, THE TOWN OF MARANA, AND THE CITY OF SOUTH TUCSON
1. Report from City Manager SEP09-15-322 CITY WIDE AND OUTSIDE CITY
  2. Resolution No. 22451 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for provision of fixed route transit services (Sun Tran) for designated areas of Pima County, Town of Marana, and City of South Tucson; and declaring an emergency.

- s. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR PURCHASE OF A FEDERAL TRANSIT ADMINISTRATION-FUNDED VEHICLE
  - 1. Report from City Manager SEP09-15-323 CITY WIDE AND OUTSIDE CITY
  - 2. Resolution No. 22453 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson (City) for the purchase of a Federal Transit Administration (FTA) funded vehicle; and declaring an emergency.
- t. INTERGOVERNMENTAL AGREEMENT: WITH THE PASCUA YAQUI TRIBE FOR PROVISION OF FIXED ROUTE TRANSIT SERVICE (SUN TRAN) FOR DESIGNATED AREAS OF PIMA COUNTY
  - 1. Report from City Manager SEP09-15-324 OUTSIDE CITY
  - 2. Resolution No. 22452 relating to Intergovernmental Agreements and Transportation; authorizing and approving an Intergovernmental Agreement (IGA) between the City of Tucson (City) and the Pascua Yaqui Tribe (Tribe) for provision of fixed route transit service (Sun Tran) for designated areas of Pima County; and declaring an emergency.
- u. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE SPEEDWAY BOULEVARD - CAMINO SECO TO HOUGHTON ROAD PROJECT
  - 1. Report from City Manager SEP09-15-325 WARD 2
  - 2. Resolution No. 22454 relating to Intergovernmental Agreements and Transportation; authorizing and approving Amendment No. 1 to the Intergovernmental Agreement (IGA) for transportation funding between the City of Tucson (City) and the Regional Transportation Authority of Pima County (RTA) for the Speedway Boulevard - Camino Seco to Houghton Road Project; and declaring an emergency.
- v. AGREEMENT: WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (CNCS) AND PRESCOTT COLLEGE FOR IMPLEMENTATION OF AMERICORPS VISTA PROGRAM
  - 1. Report from City Manager SEP09-15-337 CITY WIDE

2. Resolution No. 22459 relating to Education; authorizing and approving Memoranda of Agreement with the Corporation for National and Community Service and with Prescott College for implementation of AmeriCorps VISTA Program; and declaring an emergency.

Michael Rankin, City Attorney, added there was a clerical correction to Item G, Page 2, Section 3d. He wanted to make it clear that the container fee was a monthly fee. He said the word “monthly” would be inserted before the word “fees” in that section.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – v, with the exception of Items d and f, which were considered separately, be passed and adopted and the proper action taken.

## **7. CONSENT AGENDA – ITEMS D**

- d. MEMORIAL: DECLARING SUPPORT FOR CONGRESSIONAL EFFORTS TO PREVENT STRAW PURCHASES OF FIREARMS; AND TO ENCOURAGE GUN DEALERS TO ADOPT AND TO ABIDE BY THE GUN DEALER BRADY CODE OF CONDUCT

1. Report from City Manager SEP09-15-310 CITY WIDE
2. A Memorial relating to Gun Violence; declaring support for Congressional efforts to prevent straw purchases of firearms; and to encourage gun dealers to adopt and to abide by the Gun Dealer Brady Code of Conduct.

Council member Kozachik spoke about an incident where a couple of his friends visited Tucson and went to a local gun show in town. He said in an effort to demonstrate the ease in purchasing weapons in Arizona, his friends, in the course of a morning, bought two AR-15s, a 12 gauge shotgun and a .45 caliber hand gun, all cash and carry with no background check and no questions asked. He called it complete lunacy and reiterated the need to keep the conversation going regarding the purchase of guns, and the need to crack down on straw purchasers by doing background checks, not selling a firearm without them, and the need for all gun dealers across the country and locally, to adopt the Brady Code of Conduct.

Chris Kateoff, a Phoenix gun dealer, spoke about the ease of gun dealers selling guns to dangerous criminals due to loopholes in background checks and what could be done to correct the issue. He urged the Mayor and Council to adopt the Memorial.

Lisa Kaiser, University of Arizona Clinical Nurse, spoke about being a survivor and witness of gun violence. She said it was more a public health issue, not a political issue.

It was moved by Council Member Kozachik, duly seconded, to pass and adopt the Memorial.

Council Member Uhlich expressed her gratitude for those that were speaking out about gun violence.

The Memorial was passed and adopted by a roll call vote of 7 to 0.

Council Member Cunningham asked if the City, with the passing of the Memorial, were permitted to post the Code of Conduct on the City's website.

Mayor Rothschild replied affirmatively.

**7. CONSENT AGENDA – ITEMS F**

**f. ECONOMIC DEVELOPMENT: APPROVAL OF SITE SPECIFIC SALES TAX AGREEMENT WITH TUCSON URBAN, LLC, FOR THE RIALTO BLOCK PROJECT**

1. Report from City Manager SEP09-15-317 WARD 6
2. Resolution No. 22458 relating to Development and Real Property; authorizing and approving the Retail Tax Incentive Development Agreement between the City of Tucson (City) and Tucson Urban, LLC for the Rialto Block Project (Project).

Michael Rankin, City Attorney, said he requested that the item be pulled from the Consent Agenda because under the statute that applied to these types of agreements, the item had to be approved separately and not as a group of items under the Consent Agenda.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Item f be passed and adopted and the proper action taken.

**8. PUBLIC HEARING: CONSIDERATION OF WATER SERVICE AREAREVIEW BOARD RECOMMENDATION OF WATER SERVICE FOR 5350 WEST CRESTVIEW DRIVE (CONTINUED FROM THE MEETING OF AUGUST 5, 2015)**

(This item was continued at the request of the applicant.)

**9. PUBLIC HEARING: (C14-15-01) STREET NAME REQUEST – DESERT JAGUAR DRIVE, CITY MANAGER'S REPORT**

Mayor Rothschild announced City Manager's communication number 319, dated September 9, 2015, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a request by Pima County Department of Transportation to approve a new street name "Desert Jaguar Drive". He said staff recommends approval of the proposed new street name and adoption of the ordinance.

Mayor Rothschild said the public hearing was scheduled for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to speak on the item.

There was no one.

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 11298 by number and title only.

Ordinance No. 11298 relating to Streets; naming the new road, constructed by Pima County Department of Transportation in conjunction with the Valencia Road Project, "Desert Jaguar Drive"; and setting an effective date.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11298.

**10. ZONING: (SE-15-11) VERIZON - SWAN ROAD, C-1 ZONING, WIRELESS COMMUNICATIONS FACILITY, SPECIAL EXCEPTION LAND USE, ORDINANCE ADOPTION**

Mayor Rothschild announced City Manager's communication number 328, dated September 9, 2015, was received into and made part of the record. He also announced this was a special exception land use request for property located 300 feet south and 150 feet west of Camp Lowell and Swan Roads. He said the development plan proposes a wireless communication Tower with twelve antenna panels concealed within an artificial pine tree, 60 feet in height

Mayor Rothschild said the Zoning Examiner and staff recommend approval of the special exception land use with conditions. He asked if the applicant or representative was present, to come forward and if they were agreeable to the proposed conditions.

Shirley Crowder, Centerline Solutions on behalf of Verizon Wireless, stated they were agreeable to the proposed conditions.

Mayor Rothschild asked the City Clerk to read Ordinance 11301 by number and title only.

Ordinance No. 11301 relating to Zoning; a special exception land use - wireless communications facility - SE-15-11 Verizon - Swan Road - located approximately 300 feet south and 150 feet west of the intersection of Camp Lowell Road and Swan Road; approving with conditions the construction of a wireless communication tower with twelve antenna panels concealed within an artificial pine tree (monopine), 60 feet in height in the C-1 zone; and setting an effective date.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll vote of 7-0, to approve the request as recommended by the Zoning Examiner and pass and adopt Ordinance 11301.

**11. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH DICHRISTOFANO PROPERTIES RLLP, OWNERS OF PARCEL NO. 104-09-014A, ALSO KNOWN AS VOLVO OF TUCSON**

Mayor Rothschild announced City Manager's communication number 329, dated September 9, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution No 22446 by number and title only.

Resolution No. 22446 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and DiChristofano Properties RLLP, owners of Parcel No. 104-09-014A, also known as Volvo of Tucson.

Vice Mayor Uhlich said she wanted to give staff the opportunity to address the concerns raised during Call to the Audience with regards to the map and the impacted property owners.

Mike Czechowski, Annexation Project Manager, spoke regarding the notice of the annexation to the property owners. He said a written notice was sent to all property owners in the District and on July 10, 2015, an additional notice was sent because they extended the limits on the request and it was advised by legal counsel. He stated there was a public hearing on August 5, 2015.

Mr. Czechowski said the notice was also advertised in the newspaper and sign notices were posted throughout the annexation district. He said there was also a neighborhood meeting, in addition to walking the neighborhood and going door to door to inform the community.

Vice Mayor Uhlich asked about the thresholds that were to be met in order to move forward with the annexation.

Mr. Czechowski explained State requirements required the City to have fifty percent (50%) plus one of the total property owners and had to represent at least half of the assessed value. He said in this particular case, sixty-nine signatures were required and to date they had sixty-two signatures, anticipating the rest of the signatures within the next day.

Vice Mayor Uhlich stated she thought, in terms of recourse for anyone not wishing to be a part of the process, the key was to ensure thresholds were met and only if the majority within the area affected opted in, that would occur. She commented on how difficult that was, but in good conscious and for the majority that was seeking to annex, she was going to go ahead and move the item. She asked that staff follow up with any

individual constituents who had concerns with the impact on their daily and quality of life in regards to the annexation.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call of 7 to 0, to pass and adopt Resolution 22446.

**12. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH DOBBS MOTORS OF ARIZONA INC., OWNERS OF PARCEL NO. 104-09-015E, ALSO KNOWN AS BMW OF TUCSON**

Mayor Rothschild announced City Manager's communication number 330, dated September 9, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22444 by number and title only.

Resolution No. 22444 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Dobbs Motors of Arizona, Inc., owners of Parcel No. 104-09-015E, also known as BMW of Tucson.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call of 7 to 0, to pass and adopt Resolution 22444.

**13. INTEGRATED PLANNING AND TRANSPORTATION: ADOPTION OF GRANT ROAD COMMUNITY CHARACTER AND VITALITY CORRIDOR VISION - ORACLE ROAD TO SWAN ROAD**

Mayor Rothschild announced City Manager's communication number 331, dated September 9, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22455 by number and title only.

Resolution No. 22455 relating to Integrated Planning and Transportation; adopting the Grant Road Community Character and Vitality Corridor Vision; Oracle Road to Swan Road.

Vice Mayor Uhlich thanked the Grant Road Task Force and the Office of Integrated Planning. She said the document before them was quite extraordinary and that she thought was be poised to pass. She stated she had one revision to read into the record.

Vice Mayor Uhlich stated that on page 40, sub-bulleted paragraphs four and five, were quite detailed. What she suggested was to combine the two bulleted items and replace it with the following:

- "Following the widening of Grant Road, pursue land uses and/or buffers that, 1) are in keeping with existing zoning, neighborhood/area plans and existing uses, and 2) are compatible with and enhance surrounding properties.

Examples of uses/buffers could include multi-modal paths for pedestrians and bicycles, open spaces and linear parks, architectural elements and buffering walls, and developments similar to what exists today”.

It was moved by Vice Mayor Uhlich, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22455 as amended.

**14. HOUSING AND COMMUNITY DEVELOPMENT: APPROVING THE APPOINTMENT OF MARY LOUISE SHIDEZHI DERRICK TO THE BOARD OF COMMISSIONERS FOR THE PUBLIC HOUSING AUTHORITY**

Mayor Rothschild announced City Manager’s communication number 332, dated September 9, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22447 by number and title only.

Resolution No. 22447 relating to Housing and Community Development Department; approving the appointment of Mary Louise Shidezhi Derrick as resident participant to the Board of Commissioners of the City of Tucson's Public Housing Authority (PHA); and declaring an emergency.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call of 7 to 0, to pass and adopt Resolution 22447.

**15. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY PRIMARY ELECTION HELD AUGUST 25, 2015 (CONTINUED FROM THE MEETING OF AUGUST 31, 2015)**

Mayor Rothschild announced City Manager’s communication number 333 dated September 9, 2015, was received into and made part of the record. He asked the City Clerk to read Resolution 22456 by number and title only.

Resolution No. 22456 relating to Elections: canvassing the returns and declaring the results of the Primary Election held in the City of Tucson, Arizona on August 25, 2015.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Resolution 22456.

**16. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Rothschild announced City Manager’s communication number 327, dated September 9, 2015, was received into and made part of the record. He asked for a motion to approve the appointments in the report

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment(s) of Vanessa Bechtol to the Commission on Food Security, Heritage and Economy (CFSHE) and Jacob Strawn to the West University



Historic Zone Advisory Board (WUHZAB) and the reappointment of Denice Osbourne to the Tucson-Pima County Historical Commission (TPCHC).

Mayor Rothschild asked if there were any personal appointments to be made.

There were none.

**17. ADJOURNMENT: 7:20 p.m.**

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 24, 2015, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 9th day of September 2015, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR: drl:yl